

REMARKS

I. Status of the Application

Claims 1-20 are pending in this application. In the December 15, 2004 office action, the Examiner:

1. Required the Applicants to elect a single disclosed species for prosecution on the merits to which claims would be restricted if no generic claim is finally held to be allowable; and
2. Identified Species I as being directed to isolation layer sequence and Species II as being directed to single isolation layer.

II. All Claims Read on Species I

In this response, Applicants have elected Species I. The applicant has identified that all claims 1-20 read on the elected species.

Applicants respectfully traverse the Examiner's characterization of the species because it is inconsistent in paragraph 1 and paragraph 5 of the Restriction Requirement. In particular, in paragraph 1, the Examiner states the Species I includes an "isolation layer sequence" and species II includes "a singled isolation layer". In paragraph 5, the Examiner requires the Applicant to elect on the species of a "single mask" or "sequence of masking layers".

However, without admitting the accuracy any of the above characterizations, the applicant asserts that both claims 1 and 15 read on the species of Fig. 14. In particular, claims 1 and 15 both recite "isolating spacing layers" and "a first and second spacing

layer". Accordingly, to the extent that Fig. 14 shows an "isolation layer sequence", a claim reciting "isolating spacing layers" would appear to read on such a sequence. Moreover, Fig. 14 appears to show multiple spacing layers 21a, 21b and 22. Accordingly, claims 1 and 15 appear to read on the species of Fig. 14.

Claims 1 and 15 are the only independent claims pending. Thus, all of the claims recite multiple "isolating spacing layers", which would appear to be consistent with species I. By contrast, species II appears to require a single isolating layer, which does not appear to be present in claims 1-20.

III. The Examiner Appears to Have Misinterpreted Claim 1

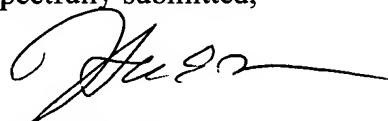
In the Office Action, the Examiner suggested that claim 1 possibly contained a non-enabled limitation. In particular, the Examiner alleged that steps c) and d) of claim 1 cannot happen simultaneously. Without commenting on that particular allegation, it is noted that the word "simultaneous" in step d) of claim 1 refers to generating isolating spacing layers on the side walls and the conductive layer of the bipolar area. In other words, "simultaneous" does not mean that step c) and step d) are necessarily performed simultaneously, only that limitations *within* step d) occur simultaneously.

Accordingly, it is respectfully submitted that the Examiner may have misinterpreted claim 1. Claim 1 is supported by the specification as originally filed.

IV. Conclusion

For all of the foregoing reasons, it is respectfully submitted that the elected invention is in a condition for prosecution on the merits. Favorable consideration and allowance of this application is, therefore, respectfully requested.

Respectfully submitted,



Harold C. Moore
Attorney for Applicants
Attorney Registration No. 37,892
Maginot Moore & Beck
Bank One Center Tower
111 Monument Circle, Suite 3000
Indianapolis, IN 46204-5115
Telephone: (317) 638-2922